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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,058	03/16/2001	Jonathan C. Kagle	03797.00023	4681

28319 7590 12/02/2004

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EXAMINER

SCHLAIFER, JONATHAN D

ART UNIT PAPER NUMBER

2178

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/809,058	Applicant(s) KAGLE ET AL.	
	Examiner Jonathan D. Schlaifer	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 6/25/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7-9, 22-24 and 32-58 is/are pending in the application.
- 4a) Of the above claim(s) 52 and 54-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9, 22-24, 32-51 and 53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 52 and 54-58 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to an amendment to application 09/809,058 filed on 6/25/2004,.
2. Claims 7-9, 22-24, and 32-58 are pending in the case. Claims 7, 22, 32, 38, 52, and 55 are independent claims. Claims 1-6, 10-21, and 25-31 have been cancelled.
3. The objections to the specification have been withdrawn as necessitated by amendment.
4. The rejections of claims 7-9 and 22-24 under 35 U.S.C. 103(a) as being unpatentable over Sweeney, further in view of Iwata, further in view of Rogowitz are withdrawn as necessitated by amendment.

### ***Election/Restrictions***

5. Newly submitted claims 52 and 54 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention of claims 52 and 54 involve assignment of multiple identifiers, in addition to mere storage of version control information.
6. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 52 and 54 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.
7. Newly submitted claim 55-58 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention of claims 55-58 involve comparison between files, in addition to mere storage of version control information.

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8. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 55-58 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claim 38 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. An operating system is merely computer software, and lacks physical technological embodiment.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 7-9, 22-24, 32-44, 46, 48-49, 51, and 53 are rejected under 35 U.S.C. 103(a) as being anticipated by Hecht (USPN 5,535,322—filing date 10/27/1992), hereinafter Hecht further in view of Iwata et al. (USPN 5,335,320—filing date 101/15/1991), hereinafter Iwata, further in view of Rogowitz et al. (USPN 5,874,955—filing date 3/12/1996), hereinafter Rogowitz.**

11. **Regarding independent claim 7**, Hecht discloses a method for synchronizing multiple versions of an object (Hecht's invention is a work flow manager for multimedia objects, see Abstract, lines 1-10), comprising: receiving a multimedia object have an associated unique identifier, metadata and history (in col. 2, lines 25-55, multimedia objects have identifying and associated information); assigning a new unique identifier to the multimedia object responsive to the multimedia object being modified (this is inherent to modification so that modified items can be distinguished). Hecht fails to disclose assigning a new unique identifier to the object; and updating the metadata and history graph of the object to include a node corresponding to the new unique identifier and a vector describing, via the metadata, the modification performed to arrive at the object corresponding to the new unique identifier. However, Iwata, in col. 8, lines 55-67 sets a new unique identifier for a GUI (which is potentially a type of multimedia) object in order to help manage the identity of the object. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate changing the identifier in Sweeney in the manner of Iwata in order to help manage the identity of objects. Furthermore, Rogowitz, in lines col. 20, lines 55-65 describes updating the metadata and history graph of the object to include a node corresponding to the new unique identifier and a vector describing, via the metadata, the modification performed to arrive at the object corresponding to the new unique identifier in order to track changes in the metadata. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a node and a vector in the manner of Rogowitz in order to track changes in the metadata.

12. **Regarding dependent claim 8**, Hecht's method inherently involves storing associated unique identifier, the new unique identifier, the metadata and the history, because it is a process manager (see Abstract, lines 1-5, and processing these pieces of information requires storing them, at least temporarily).
13. **Regarding dependent claim 9**, Hecht discloses tracking the history of the object via the associated unique identifier, the new unique identifier, the metadata, and the history related to the object (in col. 2, lines 25-55, the patent discloses how information associated with objects within the version control system regulate the versioning of the system).
14. **Regarding independent claim 22**, it is a computer-readable medium containing instructions for performing the steps of claim 7 and is rejected under similar rationale.
15. **Regarding dependent claim 23**, it is a computer-readable medium containing instructions for performing the steps of claim 8 and is rejected under similar rationale.
16. **Regarding dependent claim 24**, it is a computer-readable medium containing instructions for performing the steps of claim 9 and is rejected under similar rationale.
17. **Regarding independent claim 32**, it is a variant of claim 7 in which a multimedia object is introduced into the versioning scheme of claim 7, and it is rejected under similar rationale.
18. **Regarding dependent claim 33**, Hecht discloses associating metadata with the modified multimedia object in col. 2, lines 25-55 (Hecht discusses populating a database with information related to the objects).

19. **Regarding dependent claim 34**, Hecht discloses in col. 17, lines 50-65 that the metadata describes how the multimedia object differs from the modified multimedia object, because the system keeps multiple versions in storage associated with the primary version for comparison.
20. **Regarding dependent claim 35**, Hecht discloses in col. 17, lines 50-65 that the metadata describes the modification applied to the multimedia object to obtain the modified multimedia object, because the system keeps multiple versions in storage associated with the primary version for comparison.
21. **Regarding dependent claim 36**, Hecht discloses the use of a database system to maintain the identifiers, the multimedia object and the modified multimedia object. Hecht fails to disclose storing the identifiers separately from the objects. However, it was notoriously well known in the art at the time of the invention that storing information separately can make data access more efficient, depending on database design and improve information security. It would have been obvious to one of ordinary skill in the art at the time of the invention to store information separately and thereby make data access more efficient and improve information security.
22. **Regarding dependent claim 37**, Hecht discloses the use of a database system to maintain the identifiers, the multimedia object and the modified multimedia object. Hecht fails to disclose storing the identifiers together with the objects. However, it was notoriously well known in the art at the time of the invention that storing information separately can make data access more efficient, depending on database design and increase the ease of information access. It would have been obvious to one of ordinary

skill in the art at the time of the invention to store information together and thereby make data access more efficient and increase the ease of information access.

23. **Regarding independent claim 38**, it is an operating system having computer-executable instructions for performing the method of claim 32 and it is rejected under similar rationale.

24. **Regarding dependent claim 39**, it is the logical extension of the limitations involving a vector that were rejected under Rogowitz in claim 7 and is rejected under similar rationale.

25. **Regarding dependent claim 40**, it is the logical extension of the limitations involving a vector that were rejected under Rogowitz in claim 7 and is rejected under similar rationale.

26. **Regarding dependent claim 41**, Hecht fails to disclose that the multimedia object must be received prior to assigning the first unique identifier to the multimedia object.

However, it was notoriously well known in the art at the time of the invention that having an object in memory allows determination of its attributes, which aid in providing it with an identifier. It would have been obvious to one of ordinary skill in the art at the time of the invention to receive the multimedia object prior to assigning the first identifier, because it would allow determination of the object's attributes, which would aid in providing it with an identifier.

27. **Regarding dependent claim 42**, Hecht discloses that the multimedia object may be an image in the Abstract, lines 1-7.

28. **Regarding dependent claim 43**, Hecht fails to disclose that the history represents the evolution of the image. However, it was notoriously well known in the art at the time of the invention that a history in a version control system represents an evolution of an object, by definition. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the history represent the evolution of the image, as this is the definition of what a history comprises.
29. **Regarding dependent claim 44**, Hecht, Iwata, and Rogowitz fail to disclose storing portions of the history with the modified multimedia object. However, it was notoriously well known in the art at the time of the invention that it was common practice to store associated information along with the object it is associated with in order to facilitate data access. It would have been obvious to one of ordinary skill in the art at the time of the invention to store associated information along with the object it is associated with in order to facilitate data access.
30. **Regarding dependent claim 46**, Hecht, Iwata, and Rogowitz fail to disclose transferring portions of the history with the modified multimedia object. However, it was notoriously well known in the art at the time of the invention that it was common practice to transfer associated information along with the object it is associated with in order to facilitate data access. It would have been obvious to one of ordinary skill in the art at the time of the invention to transfer associated information along with the object it is associated with in order to facilitate data access.
31. **Regarding dependent claim 48**, Hecht discloses an application program interface for other software to retrieve or store the multimedia object or the modified multimedia

object, in the Abstract, lines 1-40, in that the invention is a workflow system that fits this description.

32. **Regarding dependent claim 49**, Hecht discloses that the application program interface is configured to receive metadata associated with the multimedia object or the modified multimedia object in the Abstract, lines 1-40, in that the invention is a workflow system that fits this description.

33. **Regarding dependent claim 51**, Hecht fails to disclose associating the updated history with the modified multimedia object. However, it was notoriously well known in the art at the time of the invention that it is desirable to associate relevant entities together, and the history was relevant to the multimedia object. It would have been obvious to one of ordinary skill in the art at the time of the invention to associate the history with the object because it would have contained information that could have aided in the processing of the multimedia object for version control purposes.

34. **Regarding independent claim 53**, it is a computer readable medium containing instructions for performing the method of claim 32.

35. **Claims 45 and 47 are rejected under 35 U.S.C. 103(a) as being anticipated by Hecht further in view of Iwata, further in view of Rogowitz, further in view of Kondo et al. (USPN 5,519,865—filing date 7/20/1994), hereinafter Kondo.**

36. **Regarding dependent claim 45**, Hecht, Iwata, and Rogowitz fail to disclose that only recent history is stored with the modified multimedia object. However, Kondo discloses selective storage of recent history in col. 6, lines 5-35. It would have been obvious to one of ordinary skill in the art at the time of the invention to use selective storage of recent

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history with the inventions of Hecht, Iwata, and Rogowitz in the manner of Kondo in order to provide the user with access to more relevant history information.

37. **Regarding dependent claim 47**, Hecht, Iwata, and Rogowitz fail to disclose that only recent history is transferred with the modified multimedia object. However, Kondo discloses selective manipulation of recent history in col. 6, lines 5-35. It would have been obvious to one of ordinary skill in the art at the time of the invention to use selective transferral of recent history with the inventions of Hecht, Iwata, and Rogowitz in the manner of Kondo in order to provide the user with access to more relevant history information.

38. **Claim 50 is rejected under 35 U.S.C. 103(a) as being anticipated by Hecht further in view of Iwata, further in view of Rogowitz, further in view of Chan (USPN 5,781,635—filing date 12/29/1995).**

39. **Regarding dependent claim 50**, Hecht, Iwata, and Rogowitz fail to disclose generating the second unique identifier by one of hashing and cyclic redundancy checking of data representing the modified multimedia object. However, Chan discloses determining identifiers by using hashing in col. 2, lines 60-67. It would have been obvious to one of ordinary skill in the art at the time of the invention to determine identifiers by using hashing because this is an accepted part of using digital signatures.

***Response to Arguments***

40. Applicant's arguments with respect to claims 7-9 and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6,112,024 (filing date 10/2/1996)—Almond et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is (571) 272-4129. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



**STEPHEN S. HONG**  
**PRIMARY EXAMINER**